REMARKS

I. The Restriction Requirement:

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-30, drawn to antibody-containing particles (classified in class 424, subclass 1.49);

II. Claims 31-59, drawn to a reconstituted antibody composition (classified in class 424, subclass 133.1;

III. Claims 60-70, drawn to a method for preparing antibody composition (classified in class 435, subclass 188); and

IV. Claims 71-74, drawn to a method for administering (classified in class 424, subclass 130.1).

The Examiner has further required election of a single disclosed excipient "species from claims 16-25 and 44-53 (i.e., histidine, Tween 20 or sucrose)" and a single disclosed species.

II. Response to the Restriction Requirement:

In response, Applicants hereby elect Group II, claims 31-59, *with traverse*, and "sucrose" as the excipient, *with traverse*. Finally, Applicants hereby elect the single disclosed reconstituted formulation species wherein the antibody is a full length human IgG antibody, the diluent is deionized water, and the optional excipient is sucrose. The claims that are readable on these elections include claims 31, 32, 35, 41, 42, 43, 44-47, 54-56 and 58-59.

Traverse is premised on the ground that a combined search of all four Groups does not impose an undue burden on the Examiner. As stated in the Manual of Patent Examining Procedure ("MPEP"),

> [i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

See M.P.E.P. Section 803.

Here, all but one of the Groups identified by the Examiner have been assigned to the same class (i.e., class 424), thereby suggesting that a search of potential art in this classification is simultaneously useful for each of the three Groups sharing this classification. In addition, it is believed that the extra burden involved in examining the method for preparing an antibody composition (i.e., Group III) would not be undue. In view of the above, it is therefore believed that search and examination of the entire application can be made without serious burden to the Examiner. Consequently, reconsideration and removal of the requirement for restriction are respectfully requested.

In addition, with respect to the requirements to elect a specific species of excipient and reconstituted formulation, Applicants emphasize that all the claims in the elected Group recite common elements (e.g., diluent, concentrations, spray-dried powder, and so forth), which can be easily searched to thereby narrow the amount of relevant prior art the Examiner must consider. In this way, the Examiner should be able to identify any relevant prior art for the entire scope of the elected Group and not simply for the elected species.

Finally, Applicants emphasize that election of a specific species of excipient and reconstituted formulation is for initial search purposes only and that Applicants will be entitled to consideration of additional species upon the allowance of a generic claim as provided by 37 C.F.R. §1.141.

III. Conclusion:

In view of the foregoing, Applicants submit that the all of pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Consequently, a prompt mailing of a Notice of Allowance is earnestly solicited.

(This space intentionally left blank.)

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 620-5506.

Respectfully submitted,
Nektar Therapeutics

Date: January 20, 2006 By: Mark A. Wilson
Mark A. Wilson
Registration No. 43,275

Nektar Therapeutics
150 Industrial Road
San Carlos, CA 94070
(650) 631-3100 (Telephone)
(650) 631-3125 (Facsimile)